**South Carolina General Assembly**

118th Session, 2009-2010

**S. 85**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Ford

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Companion/Similar bill(s): 3477

Introduced in the Senate on January 13, 2009

Currently residing in the Senate Committee on **Judiciary**

Summary: Condemnation powers

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/10/2008 Senate Prefiled

12/10/2008 Senate Referred to Committee on **Judiciary**

1/13/2009 Senate Introduced and read first time [SJ](file:///h:\SJ%20Archive\2009\01-13-09.docx)‑110

1/13/2009 Senate Referred to Committee on **Judiciary** [SJ](file:///h:\SJ%20Archive\2009\01-13-09.docx)‑110

**VERSIONS OF THIS BILL**

[12/10/2008](file:///p:\pprever\2009-10\85_20081210.docx)

**A** **BILL**

TO AMEND SECTION 5‑7‑50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE POWER OF CONDEMNATION BY A MUNICIPALITY, SO AS TO PROVIDE THAT THIS POWER DOES NOT INCLUDE OWNER‑OCCUPIED RESIDENTIAL PROPERTY LOCATED OUTSIDE OF A MUNICIPALITY.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 5‑7‑50 of the 1976 Code is amended to read:

“Section 5‑7‑50. ~~Any~~ A municipality desiring to become the owner of any land or to acquire any easement or right‑of‑way ~~therein~~ in it for ~~any~~ an authorized corporate or public purpose ~~shall have~~ has the right to condemn ~~such~~ the land or right‑of‑way or easement, subject to the general law of this State, within and without the corporate limits in the county in which it is situated and in ~~any~~ an adjoining county ~~or counties~~. This authority ~~shall~~ does not apply to ~~any~~ a property devoted to public use or owner‑occupied residential property which is taxed under the provisions of Section 12‑43‑220(c) located outside of a municipality~~; provided,~~. However, the property of corporations not for profit organized ~~under~~ pursuant to the provisions of Chapter 35 of Title 33, ~~shall~~ is not ~~be~~ subject to condemnation unless the municipality in which their service area is located intends to make comparable water service available in ~~such~~ the service area and ~~such~~ the condemnation is for that purpose. After ~~any such~~ the condemnation, the municipality shall assume all obligations of the corporation related to the property and the facilities ~~thereon~~ on it which were condemned. ~~Provided,~~ However, that ~~any~~ an incorporated municipality, or ~~any~~ a housing or redevelopment authority now existing or ~~hereafter~~ established after the effective date of this section to function, may undertake and carry out slum clearance and redevelopment work in areas which are predominately slum or blighted, the preparation of ~~such~~ these areas for reuse, and the sale or other disposition of ~~such~~ these areas to private enterprise or to public bodies for public uses and to that end the General Assembly delegates to any incorporated municipality, or ~~such~~ these authorities, the right to exercise the power of eminent domain as to any property essential to the plan of slum clearance and redevelopment. ~~Any~~ An incorporated municipality, a political subdivision, or an authority may acquire air rights or subsurface rights, both as ~~hereinafter~~ defined in this section, by any means permitted by law for acquisition of real estate, including eminent domain, and may dispose of air rights and subsurface rights regardless of who or for what purpose acquired for private or public use by lease, mortgage, sale, or otherwise. ‘Air rights’ ~~shall mean~~ mean estates, rights, and interests in the space above the surface of the ground or the surface of streets, roads, or ~~rights‑of‑ways~~ rights‑of way including access, support, and other appurtenant rights required for the utilization ~~thereof~~ of it. ‘Subsurface rights’ ~~shall mean~~ mean estates, rights, and interests in the space below the surface of the ground or the surface of streets, roads, or rights‑of‑way including access, support, and other appurtenant rights required for the ~~utilization~~ ~~thereof~~ use of it.”

SECTION 2. This act takes effect upon approval by the Governor.

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